

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILD FISH CONSERVANCY, et al.,

Plaintiffs,

v.

NATIONAL PARK SERVICE, et al.,

Defendants.

CASE NO. C12-5109 BHS

ORDER GRANTING
DEFENDANTS' MOTION FOR
AN EXTENSION OF TIME

This matter comes before the Court on the motion by Defendants Robert Elofson, Larry Ward, Doug Morrill, and Mike McHenry, each in his official capacity as an employee of the Lower Elwha Klallam Tribe ("Tribal Defendants"), for an extension of time to respond to Plaintiffs' motion for a preliminary injunction (Dkt. 86). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants the motion for the reasons stated herein.

On November 21, 2012, Plaintiffs filed a motion for a preliminary injunction requesting that (1) "the Court enjoin the unlawful releases of hatchery steelhead and coho salmon proposed to occur this spring to prevent irreparable injury to threatened

1 salmonids” and (2) “that the Court enjoin the Elwha Defendants’ unlawful and
2 unnecessary steelhead broodstock activities proposed to occur this winter (2012-2013),”
3 which is a program that Plaintiffs admit has been “successful.” Dkt. 81 at 4, 13.

4 On November 21, 2012, Tribal Defendants filed a motion for an extension of time
5 requesting that the Court renote Plaintiffs’ motion to January 4, 2012 because Plaintiffs
6 failed to provide the agreed three-week notice before filing any motion for injunctive
7 relief. Dkts. 86 & 89 (errata). Tribal Defendants also contend that the release and the
8 collection will not occur until spring. Dkt. 89 at 4. This contention is not addressed in
9 Plaintiffs’ response. *See* Dkt. 92.

10 It is worth noting that all parties agree that this case presents important issues
11 regarding threatened salmonids, yet it has become necessary to consume the Court’s time
12 with a fully briefed motion regarding a two-week extension of time to respond to events
13 that will occur months from now. Regardless, Tribal Defendants have shown good cause
14 for the extension and Plaintiffs have failed to show any prejudice. Therefore, the Court
15 grants the motion and the Clerk is directed to renote Plaintiffs’ motion (Dkt. 81) to
16 January 4, 2013.

17 **IT IS SO ORDERED.**

18 Dated this 4th day of December, 2012.

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21 BENJAMIN H. SETTLE
22 United States District Judge